

# United States District Court

EASTERN DISTRICT OF WISCONSIN

CARRIER CORPORATION,  
Plaintiff,

## JUDGMENT IN A CIVIL CASE

v.

Case No. 11-C-957

DAVID KAIVER  
d/b/a 1ST CHOICE HEATING,  
Defendant.

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☒ **Decision by Court.** This action came before the Court for consideration on a Motion for Default Judgment.

**IT IS HEREBY ORDERED AND ADJUDGED** that Carrier Corporation is to recover from David Kaiver the amount of \$18,000 in damages, together with \$4,909.50 in attorney's fees and costs of \$594.90 for a total of \$23,504.40.

**IT IS FURTHER ORDERED** that David Kaiver d/b/a 1st Choice Heating is enjoined from:

(1) using the registered trademarks of Carrier, Bryant, Payne, and "Turn to the Experts," or other terms confusingly similar to the registered trademarks of Carrier, Bryant, Payne, and "Turn to the Experts," in connection with any website operated by him or on his behalf, including metatags and search terms;

(2) using the registered trademarks of Carrier, Bryant, Payne and "Turn to the Experts" or any other mark or designation confusingly similar thereto or colorable imitations thereof in connection with the promotion, advertising, offering, manufacturing, distributing or selling of his products and services;

Further, David Kaiver is ordered to destroy and certify to plaintiff and the Court that he has destroyed all materials in his possession, custody or control which bear the registered trademark designations of Carrier, Bryant, Payne and "Turn to the Experts."

Finally, Kaiver is required to file with the Court within 30 days after entry of final judgment a written statement, under oath, setting forth the detail and manner in which he has complied with the Orders issued by this Court.

Approved: s/ William C. Griesbach  
WILLIAM C. GRIESBACH  
United States District Judge

Dated: January 25, 2012.

JON W. SANFILIPPO  
Clerk of Court

s/ A. Wachtendonck  
(By) Deputy Clerk